

REMARKS

Favorable reconsideration is respectfully requested in light of the following comments. Entry and consideration of this AF Response is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 3 and 5-8 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as unpatentable over EP 839 643. This reference neither anticipates nor renders obvious the claimed invention. The Examiner has correctly stated that the EP 839 643 discloses a rigid substrate. In fact, EP 839 643 is directed to a window for an airplane. A window for an airplane is certainly, out of necessity, rigid.

As noted, EP 839 643 discloses a rigid plastic substrate. One of skill in the art will recognize that plasticizers are only used in a plastic when one desires the plastic to be flexible. A rigid plastic substrate is not flexible, and is not expected or wanted to be flexible. Thus, a rigid plastic substrate would not include a plasticizer. There is no reasonable motivation to add a plasticizer to the rigid plastic substrate disclosed by the reference. Therefore, EP 839 643 neither describes nor suggests a structure that includes, as claimed, a base material that includes a resin and a plasticizer for the resin. This is a claimed element neither described nor suggested by the cited reference.

The Examiner has pointed to page 10, lines 2-7 of the reference as allegedly disclosing that the primer blocks plasticizer migration. However, the cited portion deals with preventing plasticizers within a subsequent layer from migrating into the substrate. This is exactly opposite to the claimed invention, which requires inclusion of a primer that resists plasticizer migration from the substrate. Quite simply, EP 839 643 neither describes nor suggests the claimed invention. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's apparent rejection of claims 3 and 5-8 under 35 U.S.C. §103(a) as unpatentable over Umeya, U.S. Patent No. 5,859,122. As argued previously, Umeya does not teach the claimed invention. Umeya describes a resin composition, but does not teach or suggest a bonded structure including the claimed primer layer exhibiting plasticizer resistance, and thereby protecting an adhesive layer disposed over the primer layer from plasticizers present in a base material under the primer layer. Umeya does not teach or suggest the claimed invention.

In making the obviousness rejection, the Examiner has apparently relied upon Official Notice to add the claimed elements not shown by Umeya, particularly as the Examiner has asserted that the invention is so common to ordinary life that it may not be found in the printed literature. Thus, it is abundantly clear that the Examiner is relying upon Official Notice, even though those particular words have not been used.

In particular, the Examiner has asserted that the claimed invention is met by a painted plastic cabinet bearing an adhesive shelf liner. A plastic cabinet, by virtue of its structural requirements, would likely not include plasticizers within the plastic forming the surfaces of the cabinet. Applicants are not confident that one would be motivated or tempted to paint such a cabinet, assuming of course that a plastic cabinet including plasticizers actually existed. Further, Applicants are not confident that one would be motivated to add a shelf liner to such a contraption. Applicants do not believe that the Examiner is correct.

If the Examiner persists in taking Official Notice to meet the claimed invention, the Examiner is invited to either provide tangible evidence demonstrating what the Examiner is asserting, or to sign an Affidavit attesting to that effect. Absent either, the obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

CONCLUSION

In view of the above, Applicant respectfully requests withdrawal of the rejection and allowance of the claims. Prompt passage to issue is earnestly solicited. Should the Examiner feel a telephone interview would be helpful in advancing this case to allowance, Applicant invites the Examiner to contact their representative at the number listed below.

Please continue to send all future correspondence for this matter to:

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Respectfully submitted,

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